

REMARKS**INTRODUCTION**

In accordance with the following, reconsideration of the allowability of the pending claims is respectfully requested.

Page 4 of the Office Action indicates that the rejections in the Office Action were made Final. However, the Examiner completed Office Action Summary also indicates that the Office Action was a non-final Office Action. In addition, PTO PAIR also indicates that the present Office Action is a non-final Office Action. Accordingly, applicants believe the original Office Action was either improperly attempted to be made Final, or the outstanding Office Action is non-final. The below comments are based upon an understanding that the Office Action is non-final.

Claims 1-23 are pending and under consideration.

REJECTION UNDER 35 USC §102

Claims 1-12 and 15-23 stand rejected under 35 USC § 103 as being obvious over Lipton et al., U.S. Patent No. 5,991,398, in view of Hoess, U.S. Patent No. 5,956,076. This rejection is respectfully traversed.

Applicants again respectfully submit that Lipton et al. fails to disclose or suggest the claimed concurrent operation of the two-way communication operation and the one-way communication operation as well as the selective activation of the one-way communication after a dialing operation has been completed, noting that all or some of the same is set forth with differing scope and breadth in the different independent claims.

Applicant's respectfully request any next Office Action particularly identify what element or feature of Lipton et al., in combination with Hoess, would implement the selective concurrent operation of the handset and speaker after the dialing operation is completed, and selective operation of the handset without the speaker before the dialing operation is completed.

At best, Lipton et al. and Hoess would only set forth a telephone system that could use computer terminals to control additional A/V displays, and video telephony.

As noted previously, Lipton et al. is focused on operating a two-line telephone system with speakerphone operation, i.e., in different embodiments; Lipton et al. explains how a new phone call can be initiated on a different line while another phone call is already in progress on the other line.

In particular, Lipton et al. sets forth three particular speakerphone modes. The first speakerphone mode envisions a first phone call occurring/beginning with a speakerphone.

The second speakerphone mode envisions a first phone call occurring/beginning with a speakerphone and then a second phone call being initiated by the user by picking up the handset. This second speakerphone mode places the first phone call into a passive monitoring mode such the user can dial out and perform a second call. Here, the user can hear the first phone call but does not interact with the call.

In the third speakerphone mode, a user starts a conversation on a handset from a first line. The user can perform another phone call by activating a button or quickly depressing the hook switch, thereby switching the first phone call into a passive monitoring mode that is switched to the speakerphone output. The new phone call can then be performed through the hand set.

Thus, the primary focus of Lipton et al. is the cooperation of two input/output phone lines, a handset, and a speakerphone capability.

At no time does Lipton et al. discuss that a conversation performed through the handset is also performed through the speaker.

In addition, there is no disclosure or suggestion that Lipton et al. would not also supply audio to the speaker before the claimed dialing is completed, or supply audio to the speaker at some other time unrelated to the completion of the dialing.

Applicants respectfully incorporate by reference their comments presented in the Request for Reconsideration filed May 11, 2006.

Lipton et al. cannot be interpreted as setting forth such a required selective supplying of audio to the speaker based on a completion of the dialing, when the headset is supplied with audio during the dialing.

Regardless, the Office Action further indicates that, based upon a brief discussion within Hoess regarding video telephony and speakers being positioned at each separate terminal, a combination of Lipton et al. and Hoess would now set forth a concurrent telephone operation between a speaker and a headset, with only a one-way speaker phone operation being implemented with the speaker.

The Office Action indicates that the distribution system of Hoess would inherently "have activations and deactivation means in order to be turned on/off", and thus would meet the claimed one-way communication.

However, any such activation or deactivation still would not meet the claimed selective operation of the one-way communication. **There must be a relationship between the end of dialing and the one-way communication.**

In addition, the video telephony aspect of Hoess only sets forth an intention for two way communication.

The relied upon portion of Hoess only indicates that the terminals attached to the conference server may have speakers, that additional video displays with audio are available, and that additional speakers and/or handsets could be added to the same.

There is no disclosure or suggestion that any activation or deactivation by a user at a central location or at the receiving location would have any relationship with the ceasing of the dialing.

Lastly, independent claims 1, 6, 22, and 23 require the handset and the speaker to be a part of the same apparatus, while the Office Action's proposed combination would require separate placements within different apparatuses for the handset and the speaker.

Likewise, independent claims 3, 17, and 21 also include recitations requiring relatedness between the handset and the speaker.

Claim 3 sets forth "detecting whether a handset, for a two-way communication operation, and connected to the communication apparatus through a transmit/receive line, is off-hook... upon determining that the dialing has been completed, opening a line connected to a speaker of the communication apparatus and performing a one-way speakerphone operation to output a sound through the speaker concurrently with the two-way communication operation of the handset."

Claim 17 sets forth:

"a communication apparatus having a one-way speakerphone operation, the method comprising:

opening a transmit-receive line of a handset, connected to the communication apparatus for a two-way communication, when the handset is taken off-hook;

determining whether a one-way speakerphone mode has been selected; and
upon determining that a dialing of the communication apparatus has been completed,
opening a line connected to a speaker of the communication apparatus and performing the one-way speakerphone operation to output a sound through the speaker currently with the handset two-way communication."

Claim 21 further sets forth:

"opening a transmit-receive line of a handset, connected to the communication apparatus for a two-way communication, when the handset is taken off-hook;
determining whether a one-way speakerphone mode has been selected; and
upon determining that a dialing of the communication apparatus has been completed,
opening a line connected to a speaker of the communication apparatus and performing the one-way speakerphone operation to output a sound through the speaker concurrently with the handset two way communication. "

Accordingly, all independent claims require the handset and the speaker to be related to the same apparatus.

Conversely, the Office Action's proposed modification of Lipton et al. would require the handset that performs the two-way communication to be attached to a separate and different terminal that is performing the one-way communication.

Thus, the Office Action proposed combination of Lipton et al. and Hoess cannot meet the claimed invention.

Withdrawal of this rejection and allowance of all pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/644,931

Docket No.: 1349.1271

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Date: _____

8/14/08

Respectfully submitted,

STAAS & HALSEY LLP

By: _____

Stephen T. Boughner
Registration No. 45,317

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501